

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.571 OF 2007

Smt. Hajra Abdul Rashid Khan ... Petitioner

Vs.

Shri Jingare & Ors. ... Respondents

Mr. M.A.H. Solkar for the petitioner.

Mr. Amit Desai for respondent 7.

Mr. S.R. Borulkar Public Prosecutor with Ms. P.H. Kantharia, A.P.P. for the State.

ALONG WITH

CRIMINAL WRIT PETITION NO.727 OF 2007

Sajid Mohammed Khan & Anr. ... Petitioners

Vs.

State of Maharashtra & Anr. ... Respondents

Mr. J.A. Udaipuri for the petitioners.

Mr. Amit Desai for respondent 2.

Mr. S.R. Borulkar Public Prosecutor with Ms. P.H. Kantharia, A.P.P. for the State.

**CORAM : SMT. RANJANA DESAI &
D. B. BHOSALE, JJ.**

DATED : 17TH APRIL, 2007.

P.C.:-

1. We have heard Mr. Solkar, the learned counsel for the petitioner in Criminal Writ Petition No.571 of 2007, Mr. Udaipuri, the learned counsel for the petitioners in Criminal Writ Petition No.727 of 2007, Mr. Desai, the learned counsel appearing for respondent 7 in Criminal Writ Petition No.571 of 2007, and for respondent No.2 in Criminal Writ Petition No.727 of 2007, who is the complainant in CR No.171 of 2007. We have also heard Ms. Kantharia, the learned A.P.P., appearing for the State. The complainant and the accused are staying in the same Society and they are neighbours. The petitioner in Criminal Writ Petition No.571 of 2007 is present in the court. Petitioner 1 in Criminal Writ Petition No.727 of 2007 is also present in the court. Respondent 7 in Criminal Writ Petition No.571 of 2007, who is also respondent 2 in Criminal Writ Petition No.727 of 2007 is admitted in the hospital. However, her husband is present in the court. We are informed by the parties that they have amicably settled the dispute involved in these petitions. This is confirmed by the learned counsel appearing for the parties. We are happy to note that the dispute is settled. Ms. Kantharia, the learned A.P.P. on instructions from Desai Narayan Waman, PSI attached to Goregaon Police Station states that in view of the settlement and in the facts and circumstances of these cases, the police will file "B" summary application under section 169 of the Code of Criminal Procedure to the learned Magistrate.

2. In the circumstances of the case and considering the fact that the

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parties are staying in the same Society and they are neighbours, the learned Magistrate shall adopt a positive approach in CR No.171 of 2007 and in CR No.169 of 2007, which is a cross case. We expect the police to take appropriate action within two weeks from today. With the above observations, both the petitions are disposed of.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]